

IN THE CLAIMS

From the previous amendment, cancel claims 6, 11, 40, 41, 42 and 43, amend claims 1, 7 and 17 and add claims 44 and 45 such that the new claim set reads as follows:

1. **(Currently Amended)** A device for retaining a tongue in a predetermined position, the device comprising:

a flange having a first and second surface, said flange being sized and shaped to be comfortably received between a person's lips and frontal surface of a person's teeth or alveolar ridges if teeth are absent, said flange further including a protrusion extending from said first surface of said flange; and

an aperture formed through said first and second surfaces of said flange, wherein said protrusion covers said aperture, whereby said protrusion forms a hollow chamber, said hollow chamber being accessible through said aperture from said second side of said flange;

wherein said flange and said protrusion comprise an integrally molded one-piece body.

2. **(Previously Presented)** The device according to Claim 1, wherein said integrally molded one-piece body is formed by means of blow molding, injection molding, casting, vacuum forming or the like.

3. **(Previously Presented)** The device according to Claim 1, wherein said aperture is adapted to receive a tongue.

4. **(Previously Presented)** The device according to Claim 2, wherein said integrally molded one-piece body is constructed of a pliable material chosen from the group consisting of polyethylene, urethane, silicon, and polyvinylchloride.

5. **(Previously Presented)** The device according to Claim 1, wherein a vacuum may be formed within said protrusion by compressing said protrusion and inserting a tongue into said aperture.

6. **(Cancelled)** The device according to Claim 1, wherein said flange is adapted to be received between a person's lips and frontal surface of said person's teeth or alveolar ridges if teeth are absent.

7. **(Currently Amended)** A device for retaining a tongue in a pre-determined position, the device comprising:

a flange having a first and second surface, said flange being sized and shaped to be comfortably received between a person's lips and frontal surface of a person's teeth or alveolar ridges if teeth are absent, an aperture, having a distal end and a proximal end, disposed within said flange wherein said aperture further includes walls extending from said first surface of said flange and from said distal end of said aperture, said walls forming a bulb protruding from said first surface of said flange, wherein said bulb forms a chamber in communication with said aperture and being adapted to receive a tongue and wherein said proximal end of said aperture is contiguous with said second surface of said flange.

8. **(Previously Presented)** The device according to Claim 7, wherein said flange and said bulb comprise an integrally molded one-piece body.

9. **(Previously Presented)** The device according to Claim 7, wherein a vacuum is formed in said bulb by compressing said walls and inserting a tongue into said aperture.

10. **(Previously Presented)** The device according to Claim 7, wherein said walls form a smooth continuous surface with said first surface of said flange.

11. **(Cancelled)** The device according to Claim 7, wherein said flange is adapted to be received between a person's lips and frontal surface of said person's teeth or alveolar ridges if teeth are absent.

12. **(Previously Presented)** The device according to Claim 8, wherein said integrally molded one-piece body is constructed of one of the materials selected from the group consisting of polyvinylchloride, urethane, polyethylene and silicon.

13. **(Previously Presented)** A method of retaining a tongue in a predetermined position, the method comprising:

forming a vacuum within a tongue retention device by squeezing walls of a protrusion extending from a flange of said tongue retention device;

inserting a tongue through an aperture formed in said flange, wherein said tongue is received by said protrusion;

releasing said walls, thereby forming a vacuum within said protrusion; and

positioning said flange between a user's lips and frontal surface of said user's teeth.

14. **(Previously Presented)** The method as claimed in Claim 13, wherein said flange is positioned between a user's lips and frontal surface of said user's alveolar ridges if teeth are absent.

15. **(Previously Presented)** The device according to Claim 7, wherein said proximal end of said aperture is radiused for providing a smooth continuous surface with said second surface of said flange.

16. **(Previously Presented)** The device according to Claim 7, wherein said distal end of said aperture is radiused for providing a smooth continuous surface with said walls of said bulb.

17. **(Currently Amended)** A device for retaining a tongue in a predetermined position, the device comprising:

a bulb having a closed end and an open end, said bulb forming a hollow chamber for receiving a tongue through said open end; and

a flange extending outwardly from said open end, said flange being sized and shaped to be received between a person's lips and frontal surface of said person's teeth.

18. **(Previously Presented)** The device according to Claim 17, wherein said flange and said bulb comprise an integrally molded one-piece body.

19. **(Previously Presented)** The device according to Claim 18, wherein said integrally molded one-piece body is formed by means of blow molding, injection molding, casting, vacuum forming or the like.

20. **(Previously Presented)** The device according to Claim 18, wherein said integrally molded one-piece body is constructed of a material having a thickness between about 0.010 inches and about 0.060 inches.

21. **(Previously Presented)** The device according to Claim 20, wherein said material has the thickness between about 0.025 inches and about 0.040 inches.

22. **(Previously Presented)** The device according to claim 18, wherein said integrally molded one-piece body is formed having a constant thickness across it's entire cross-section.

23. **(Previously Presented)** The device according to Claim 17, wherein said flange is pliable.

24. **(Previously Presented)** The device according to Claim 17, wherein said flange is adjustable to fit any size mouth.

25. **(Previously Presented)** The device according to Claim 18, wherein said integrally molded one-piece body is formed of a material selected from the group consisting of polyethylene, urethane, silicon, and polyvinylchloride.

26. **(Previously Presented)** The device according to Claim 17, wherein a vacuum may be formed within said bulb by compressing said bulb and inserting said tongue into said open end.

27. **(Previously Presented)** The device according to Claim 17, wherein said flange is adapted to be received between a person's lips and frontal surface of said person's alveolar ridges if teeth are absent.

28. **(Previously Presented)** The device according to Claim 17, wherein said hollow chamber has a pre-determined volume such that only a pre-determined amount of a person's tongue will be received in said hollow chamber.

29. **(Previously Presented)** The device according to Claim 17, wherein said hollow chamber is sized and shaped to snugly receive a forward section of a person's tongue.

30. **(Previously Presented)** The device according to Claim 17, wherein said open end is elongated in shape for receiving a person's tongue.

31. **(Previously Presented)** The device according to Claim 17, whereby when said flange is received between a person's lips and frontal surface of a person's teeth, said device does not extend into said person's oral cavity.

32. **(Previously Presented)** A device for retaining a tongue in a predetermined position, the device comprising:

a flange having a first and second surface, said flange further including a protrusion extending from said first surface of said flange; and

an aperture formed through said first and second surfaces of said flange, wherein said protrusion covers said aperture, whereby said protrusion forms a hollow chamber, said hollow chamber being accessible through said aperture from said second side of said flange;

wherein said flange is sized and shaped to be comfortably received between a person's lips and frontal surface of a person's teeth or alveolar ridges if teeth are absent.

33. **(Previously Presented)** The device according to claim 32, wherein said flange is curved to fit a person's jaw line.

34. **(Previously Presented)** The device according to Claim 32, wherein said flange is constructed of a material having a thickness between about 0.010 inches and about 0.060 inches.

35. **(Previously Presented)** The device according to Claim 34, wherein said material has the thickness between about 0.025 inches and about 0.040 inches.

36. **(Previously Presented)** The device according to Claim 32, wherein said flange and said protrusion comprise an integrally molded one-piece body.

37. **(Previously Presented)** The device according to Claim 36, wherein said integrally molded one-piece body is formed by means of blow molding, injection molding, casting, vacuum forming or the like.

38. **(Previously Presented)** The device according to Claim 32, wherein said aperture is adapted to receive a tongue.

39. **(Previously Presented)** The device according to Claim 36, wherein said integrally molded one-piece body is constructed of a material selected from the group consisting of polyethylene, urethane, silicon, and polyvinylchloride.

40. **(Cancelled)** A device for retaining a tongue in a predetermined position, the device comprising:

a flange having a first and second surface, said flange further including a protrusion extending from said first surface of said flange; and

an aperture formed through said first and second surfaces of said flange, wherein said protrusion covers said aperture, whereby said protrusion forms a hollow chamber, said hollow chamber being accessible through said aperture from said second side of said flange;

wherein said flange is constructed of a pliable material to be comfortably received between a person's lips and frontal surface of a person's teeth or alveolar ridges if teeth are absent.

41. **(Cancelled)** A device according to claim 40, wherein said pliable material is selected from the group consisting of polyvinylchloride, urethane, polyethylene and silicon.

42. **(Cancelled)** The device according to Claim 40, wherein said pliable material has a thickness between about 0.010 inches and about 0.060 inches.

43. **(Cancelled)** The device according to Claim 42, wherein said pliable material has the thickness between about 0.025 inches and about 0.040 inches.

44. **(New)** A kit comprising:

a device for retaining a tongue in a pre-determined position comprising a bulb having a closed end and an open end, said bulb forming a hollow chamber for receiving a tongue through said open end, and a flange extending outwardly from said open end, said flange to be received between a person's lips and frontal surface of said person's teeth or alveolar ridges if teeth are absent; and

instructions for use of said device comprising adjusting the overall size of said flange to comfortably fit between a person's lips and frontal surface of said person's teeth.

45. (New) The kit according to claim 45, wherein said adjustment of said flange comprises trimming said flange with a cutting device.